

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 05-405)

In the Application of: )  
Petrou et al. ) Art Unit: 2624  
Serial No.: 10/535,323 )  
Filed: May 18, 2005 ) Examiner: Sayed H. Azarian  
Title: Histological Assessment of Nuclear )  
Pleomorphism )

**Statement of Relevancy of a Foreign Language References**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Murase et al. reference, which is cited in an Information Disclosure Statement by Applicant filed contemporaneously with this Statement, is being supplied in a language other than in English. The relevancy of the foreign language reference is set forth in the English translation of a Japanese Patent Office Action issued in a corresponding Japanese patent application (copy of which is attached hereto). The English translations of the relevant portions of the Japanese Patent Office Action are reproduced below.

REASON

The claimed inventions set forth with the claims below of the captioned application are deemed to be easily conceivable by those skilled in the art, on the basis of the invention which was described in the following distributed publication or made available to the public through telecommunication lines in Japan or foreign countries prior to the filing date of the application (the Convention date), therefore unpatentable in line with the provision of Art. 29, para. 2 of the Patent Law.

NOTE

- Claims 1 to 29
- Publication (D1)

Yoko Murase, Toshiyuki Tanaka, Oka Teruaki, Classification of Skin Tumor using Image Processing,

Proceeding C of The Institute of Electrical Engineers of Japan, Vol. 122-C, No.10, Japan, The Institute of Electrical Engineers of Japan, October 1, 2002, Vol. 122-C.

- Remarks

As to [Claim 1]

"5. Malignancy evaluating method" in D1 (page 1717, right column to page 1718, left column) corresponds to "assessing pleomorphism from the shape factor's statistical parameters".

As to [Claim 2]

In D1, there is described "As a feature amount used for classifying, a histogram showing distribution for each of the morphological features is produced. The feature amounts (average, dispersion and distortion degree or the like) obtained from the histogram are calculated. ..." (page 1717, right column, 16th line from the bottom).

As to [Claim 3]

D1 discloses "Otsu's thresholding method" (page 1715, left column, 4th line from the bottom).

As to [Claim 4] and [Claim 5]

The "shape factor S" in the claimed invention of the captioned application is substantially equivalent to "circular degree C" given in "formula (4)" (page 1717, left column).

As to [Claim 6] and [Claim 7]

There is described a preprocessing for color image data in "<3-1> Preprocessing" of D1 (page 1714, right column to page 1715, left column).

As to [Claim 8]

In D1, there is described "The whole image is first divided into small regions of  $50 \times 50$  pixels ..." (page 1716, left column, line 29) and disclosed "decomposing into sub-images".

As to [Claim 9] and [Claim 10]

In D1, there is described "... a hole-filling operation is performed" (page 1716, left column, 1st line from the bottom).

As to [Claim 11]

Refer to page 1717, right column, 11th to 4th lines from the bottom of D1.

As to [Claim 12] to [Claim 29]

Refer to the objections for the inventions in the category of "method" above.

Respectfully submitted,

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BERGHOFF LLP

Dated: October 8, 2008

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